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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91231364
Party	Defendant Vale Insurance Partners
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Date	12/21/2016
Attachments	Answer to Opp. - 91231364.pdf(8048 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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VALE NATIONAL TRAINING CENTER, INC.	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91231364
	:	Application No. 86/923,011
VALE INSURANCE PARTNERS LLC,	:	
	:	
Applicant.	:	
-----	x	

**ANSWER TO NOTICE OF OPPOSITION**

Vale Insurance Partners LLC, (hereinafter referred to as “Applicant”), by its attorneys, Kaye Scholer LLP, for its Answer to the Notice of Opposition of Vale National Training Center (“Opposer”), alleges as follows:

**I. Parties**

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition.
2. Applicant admits the allegations contained in paragraph 2 of the Notice of Opposition.

**II. Standing**

3. Applicant admits that Exhibit A appears to be a copy of Reg. No. 3,782,029, which U.S. Patent & Trademark Office records indicate is owned by Opposer, and that Exhibit B appears to be a printout from the USPTO’s TSDR database for Registration No. 3,782,029, and refers to those documents for the contents thereof. Except as expressly admitted, Applicant lacks

knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Notice of Opposition.

4. Applicant admits that Exhibit C appears to be a copy of Reg. No. 3,782,028, which U.S. Patent & Trademark Office records indicate is owned by Opposer, and that Exhibit D appears to be a printout from the USPTO's TSDR database for Registration No. 3,782,028, and refers to those documents for the contents thereof. Except as expressly admitted, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition.

5. Applicant admits that Exhibit E appears to be a copy of Reg. No. 2,255,689, which U.S. Patent & Trademark Office records indicate is owned by Opposer, and that Exhibit F appears to be a printout from the USPTO's TSDR database for Registration No. 2,255,689, and refers to those documents for the contents thereof. Except as expressly admitted, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Notice of Opposition, except admits that Opposer purports to define certain terms as set forth therein.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Notice of Opposition.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 8 of the Notice of Opposition and denies the remaining allegations contained in paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations contained in paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in paragraph 10 of the Notice of Opposition.

11. Applicant admits the allegations contained in paragraph 11 of the Notice of Opposition.

12. Applicant admits the allegations contained in paragraph 12 of the Notice of Opposition.

### **III. Grounds**

#### **Alleged Likelihood of Confusion Under 15 U.S.C. § 1052(d)**

13. Applicant denies the allegations contained in paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations contained in paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations contained in paragraph 15 of the Notice of Opposition.

### **IV. Damage**

16. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 16 of the Notice of Opposition. Applicant denies the remaining allegations contained in paragraph 16 of the Notice of Opposition.

## **V. Fees**

17. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Notice of Opposition.

18. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the Notice of Opposition.

## **AFFIRMATIVE DEFENSES**

1. The Notice of Opposition fails to state a claim upon which relief can be granted.
2. Applicant's mark, when applied to the services identified in the subject application, is not likely to cause confusion, mistake, or deception with respect to any of Opposer's alleged marks.
3. Applicant's mark creates different overall commercial impression than Opposer's alleged marks.
4. Applicant's mark is for services offered to wholly different prospective customers than the services allegedly offered under Opposer's alleged marks.

WHEREFORE, Applicant respectfully requests that the Opposition be dismissed and registration of the subject mark be permitted.

Date: December 21, 2016

Respectfully submitted,

KAYE SCHOLER LLP

/paul c llewellyn/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of December, 2016, I caused a true and correct copy of the foregoing Answer to Notice of Opposition to be served by United States first class mail, postage prepaid, upon the following attorney of record:

George R. Schultz  
SCHULTZ & ASSOCIATES, P.C.  
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Jennifer Worksman

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